

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 15-M- 147

LINDA ASANTE

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between, on or about December 11, 2014 and March 9, 2015, in the County of Erie, in the Western District of New York, the defendant did make false statements with respect to a material fact in an application, to wit: an I-485(Application to Register Permanent Residence or Adjust Status) in which she falsely swore that the contents of her application were true and correct, when, in truth and in fact, as the defendant then and there knew, the Form I-485 contained false and fraudulent information concerning her bona fide marriage to United States citizen Alexander Gyambrah, in violation of Title 18, United States Code, Section 1546(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



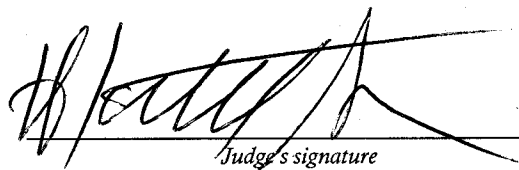
Complainant's signature

MATTHEW INFANTE
SPECIAL AGENT, DHS/ICE/HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: October 19, 2015



Judge's signature

City and State: Buffalo, New York

H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

MATTHEW P. INFANTE, being duly sworn, deposes and says that:

1. I am a Special Agent with the United States Department of Homeland Security – Immigration and Customs Enforcement (DHS-ICE), Homeland Security Investigations (HSI). I have been a Special Agent with HSI since February 1, 2010, and am assigned to the Office of the Special Agent in Charge, Buffalo, NY. As part of my duties as a special agent with HSI, I investigate criminal violations of federal law. I am currently assigned to investigate document and benefit frauds, including marriage fraud, in violation of Title 18, United States Code, Section 1546(a).

2. I am a graduate of the Criminal Investigator Training Program, and the ICE Special Agent Training Academy, taught at the Federal Law Enforcement Training Center (FLETC), located at Glynco, Georgia. Through my training and experience, as well as through discussions with other law enforcement agents, I have become familiar with document and benefit frauds, as well as federal laws relating to immigration violations.

3. This affidavit is based upon my own knowledge, my review of official records of the former Immigration and Naturalization Service (INS), DHS United States

Citizenship and Immigration Services (DHS – USCIS), ICE/HSI, and upon information that I have obtained through interviews with this investigation.

4. I make this affidavit in support of the annexed criminal complaint charging Linda ASANTE with violations of Title 18, United States Code, Section 1546 (a) (Fraud and misuse of visas, permits and other documents).

5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish probable cause to demonstrate that Linda ASANTE has violated Title 18, United States Code 1546(a).

6. On March 9, 2015, HSI agents in Buffalo, New York received information from USCIS regarding Linda ASANTE (DOB: 03/15/1993), a native and citizen of Ghana, who is believed to have entered into a marriage fraudulently on August 15, 2014, to a United States citizen (USC) Alexander GYAMBRAH (DOB: 06/05/1969; SSN: XXX-XX-8886) in New York, New York. As a result of the information, I initiated an investigation into Linda ASANTE.

7. ASANTE entered into the United States on September 8, 2013 at Newark International Airport (Newark, NJ) on a F1 Student Visa, with an authorized period of stay

until August 19, 2014. ASANTE remained in the United States beyond August 19, 2014 based on an extension through Optional Practical Training (OPT) at Bloomberg Financial, located at 700 College Road, Princeton, New Jersey 08540.

8. On August 15, 2014, ASANTE married USC Alexander GYAMBRAH in New York, New York. With the assistance of counsel, ASANTE and GYAMBRAH filed applications to adjust ASANTE's status to a Lawful Permanent Resident of the United States. On December 11, 2014, GYAMBRAH filed a Petition for Alien Relative, Form I-130 with USCIS in Buffalo, New York. A Petition for Alien Relative, Form I-130, is the form used to petition for a qualifying relative, either by blood relation or marriage, to be eligible to apply to become a lawful permanent resident of the United States. The Form I-130 is filed by the United States Citizen, known as the petitioner and the relative is known as the beneficiary. Documentary proof of the qualifying relationship between the petitioner and beneficiary must be provided as part of the application, including marriage certificate, birth certificate of petitioner, birth certificates of any children of the marital union, proof of dissolution of any prior marriages of the petitioner and or the beneficiary, statements from the petitioner, beneficiary, family and friends relative to the bona fides of the relationship and marriage, proof of financial interests, proof of cohabitation, photos supporting a bona fide relationship and marriage.

9. Also on December 11, 2014, ASANTE filed in conjunction with GYAMBRAH's Form I-130, an Application to Register Permanent Residence or Adjust Status, Form I-485,

with USCIS in Buffalo, NY. This form may be completed and submitted by the beneficiary simultaneously with the petitioner's Form I-130 in anticipation that the Form I-130 will be approved. This allows immediate adjudication of the beneficiary's Form I-485. This process is known as a "one step" application for adjustment of status. Documentary proof of eligibility to adjust status must be provided by the beneficiary, including affidavits of support, U.S. tax returns, proof of dissolution of any prior marriages, birth certificate, passport, proof of admission into the United States, and a medical examination certificate. The form is signed under penalty of perjury. Specifically, the form asks in Part Three, Question Nine:

Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act (INA) for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure or procured a visa, other documentation, entry into the United States, or any immigration benefit?

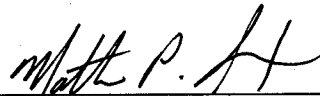
ASANTE replied "No" to this question knowing that she married GYAMBRAH strictly to obtain an immigration benefit.

10. On March 9, 2015, GYAMBRAH and ASANTE appeared in the Buffalo, New York USCIS office for their required interviews relative to their pending I-130 and I-485 Applications. Both GYAMBRAH and ASANTE were placed under oath and questioned regarding the bona fides of their marriage. GYAMBRAH and ASANTE responded to questions with inconsistent answers leading the USCIS adjudicator to suspect marriage fraud. GYAMBRAH and ASANTE were then questioned separately. GYAMBRAH, when confronted with the inconsistencies during his interview admitted that he married

ASSANTE to help her get her green card and that the marriage was not bona fide.

11. On March 9, 2015, HSI Special Agents interviewed USC Alexander GYAMBRAH at the USCIS office in Buffalo, NY. GYAMBRAH stated that he married Linda ASANTE on August 15, 2014 in New York, New York. GYAMBRAH stated he met ASANTE through a friend named Adwoa DANQUAH. GYAMBRAH stated he first met Adwoa DANQUAH at a mutual friend's home in West Orange, New Jersey named Desmond DUWANI, who later represented (attorney) ASANTE and GYAMBRAH through the immigration process following their marriage. DUWANI introduced GYAMBRAH to DANQUAH and at that time DANQUAH stated, "I have a friend (Linda ASANTE) in Rhode Island who is about to graduate and her visa is about to expire, would you be able to help her so she can stay?" GYAMBRAH agreed, and met ASANTE the following day at the residence of Linda ASANTE's aunt, Emelie "Nana" ETSE, located at 5 Irving Court, Belle Mead, New Jersey 08502. At the time of the meeting, ETSE offered GYAMBRAH \$10,000 USD to marry ASANTE and an additional \$5,000 USD upon completion of the immigration process to include marriage. GYAMBRAH stated that he was paid \$10,000 USD following their wedding ceremony on August 15, 2014 by Emelie "Nana" ETSE. After admitting that the marriage was entered into only to provide an immigration benefit to ASANTE, GYAMBRAH withdrew his Petition for Alien Relative, Form I-130. ASANTE's Application to Register Permanent Residence or Adjust Status, Form I-485 was then immediately denied.

WHEREFORE, it is respectfully submitted that probable cause exists to believe that based upon the facts contained in this affidavit, that the defendant violated the following statute: Title 18, United States Code, Section 1546(a), making fraudulent statements in an immigration document; in that Linda ASANTE entered into a fraudulent marriage on August 15, 2014, with United States citizen Alexander GYAMBRAH and filed documents with USCIS claiming to be in a bona fide marriage, knowing that the marriage was entered into for the purpose of receiving immigration benefits, including Lawful Permanent Residence in the United States.



MATTHEW P. INFANTE, Special Agent
Homeland Security Investigations

Sworn to before me this

19th day of October 2015.



H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE